

UTAH TRANSPORTATION COMMISSION MEETING

Friday, November 9, 2012 – 8:30 a.m.
Spanish Fork City Council Chambers
40 South Main
Spanish Fork, UT
801-965-4103

AGENDA

- ITEM 1. APPROVAL OF MINUTES
- ITEM 2. LOCAL AREA PRESENTATION BY REGION THREE
- ITEM 3. PUBLIC COMMENTS
- ITEM 4. UDOT SCOREBOARD
- ITEM 5. UPDATE ON BRIDGE PROGRAMS
- ITEM 6. PLANNING AND PROGRAMMING
 - A. 2013 STIP Amendment #2
 - 1. Unknown Foundations Program – Funding Adjustment
 - 2. 4500 South at I-15, Landscaping Project – Remove from STIP
 - 3. SR-74; SR-92 to Alpine Roundabout Project – Add to STIP
 - 4. I-15; South Payson Interchange to Spanish Fork River Project – Funding Adj.
 - B. Aeronautics
 - Capital Improvement Program – Amendment #1
- ITEM 7. ADMINSTRATIVE RULE REVIEW
 - R920-4 Special Road Use or Event
- ITEM 8. INFORMATIONAL ITEMS
 - A. FHWA Report
 - B. Commission Committee Reports
 - C. Upcoming Transportation Commission Meetings
 - December 7, 2012 – Salt Lake City
 - January 11, 2013 – Salt Lake City
 - February 22, 2013 – Salt Lake City
 - March 21-22, 2013 – St. George
 - April 18-19, 2013 – Salt Lake City

**Utah Transportation Commission Meeting
Agenda Fact Sheet**

Commission Meeting Date: November 9, 2012

Agenda Item: 1

Subject: Approval of Minutes

Background:

Exhibits:

October 11, 2012 – UDOT/Commission Tour
October 12, 2012 – Commission Meeting

Commission Action Requested:

Approval of Minutes

**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: November 9, 2012

Agenda Item #: 2

Agenda Item Title: Local Area Presentation by Region Three

Presented by: Shane Marshall

Background:

Region Three will give a presentation on recently completed projects, current projects, and upcoming projects in the local area.

Exhibits/Handouts:

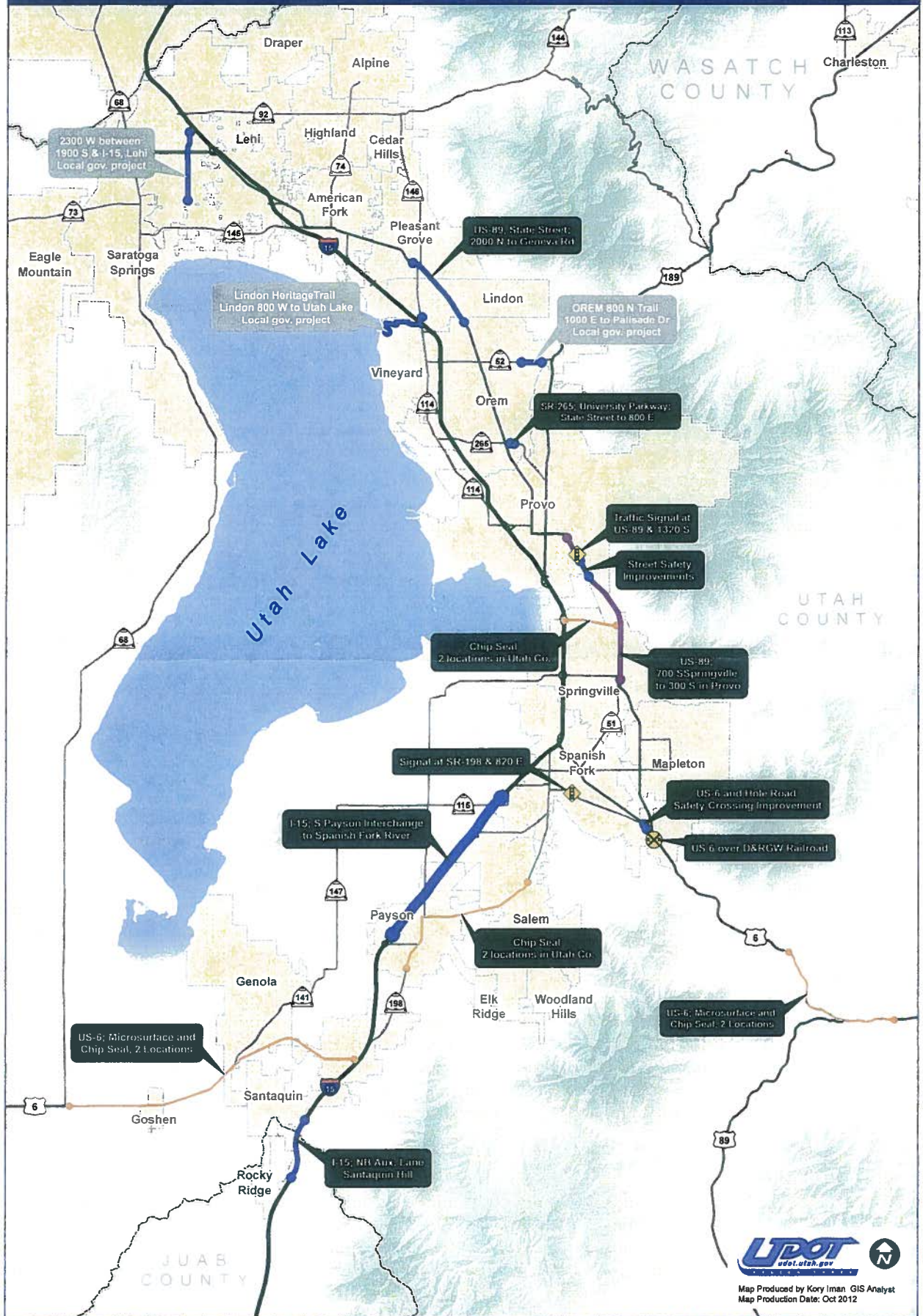
Audio/Visual: PowerPoint Presentation

Commission Action Requested:

☒ **X** For Information/Review Only

☐ For Commission Approval

REGION 3 - 2013 URBAN PROJECTS



UPOT
 utah.gov
 Map Produced by Kory Iman, GIS Analyst
 Map Production Date: Oct 2012

Legend

- Capacity / Major Rehab approx. 6 - 12 months
- Preservation approx. 1 month
- Rehab approx. 2 - 4 months
- Signal
- Railroad Crossing

**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: November 9, 2012

Agenda Item #: 4

Agenda Item Title: UDOT Scoreboard

Presented by: Ahmad Jaber and Randy Park

Background:

Reports will be given on UDOT's Safety and Construction program.

Exhibits/Handouts: Safety and Construction Info

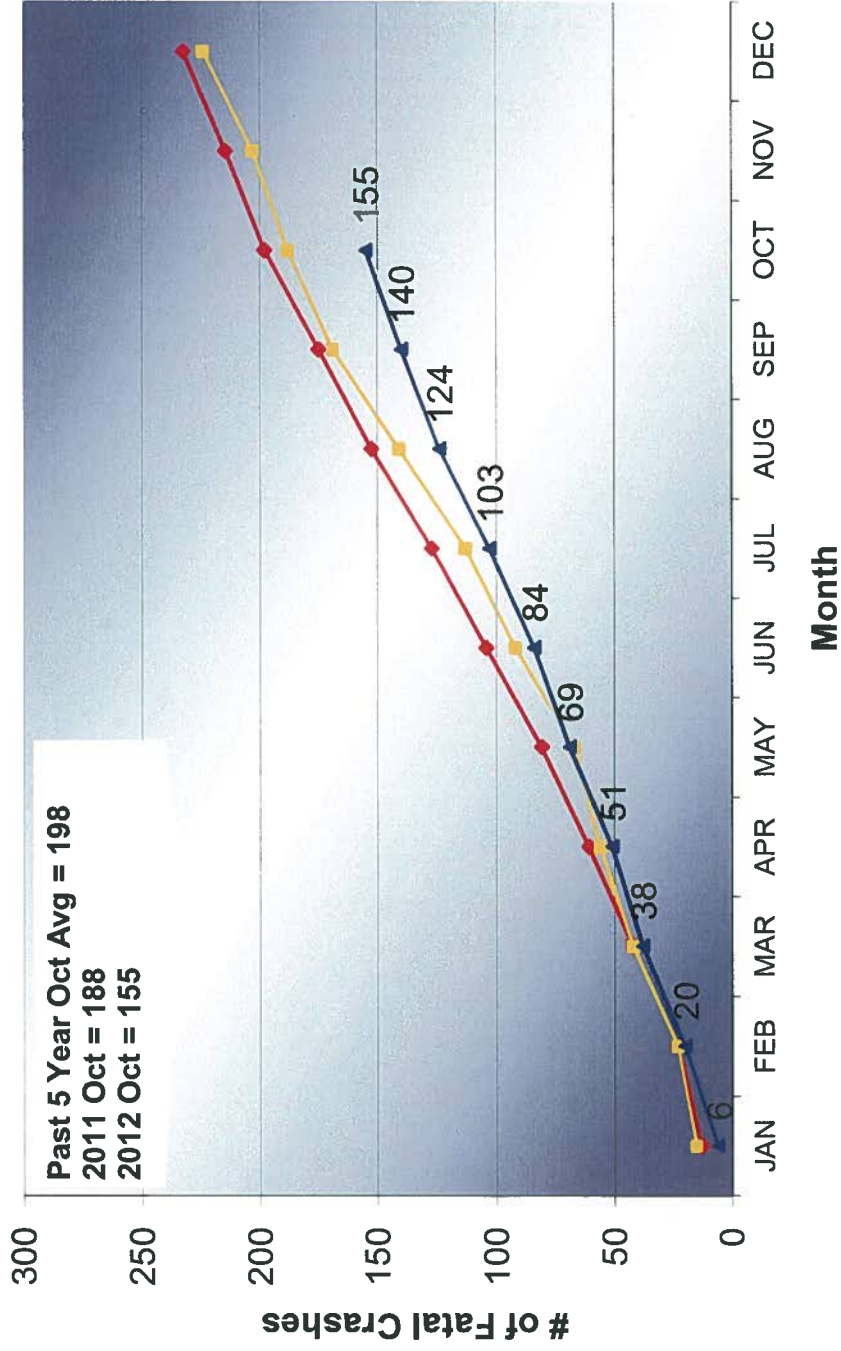
Audio/Visual:

Commission Action Requested:

☒ For Information/Review Only
☐ For Commission Approval

Motion Needed for Approval:

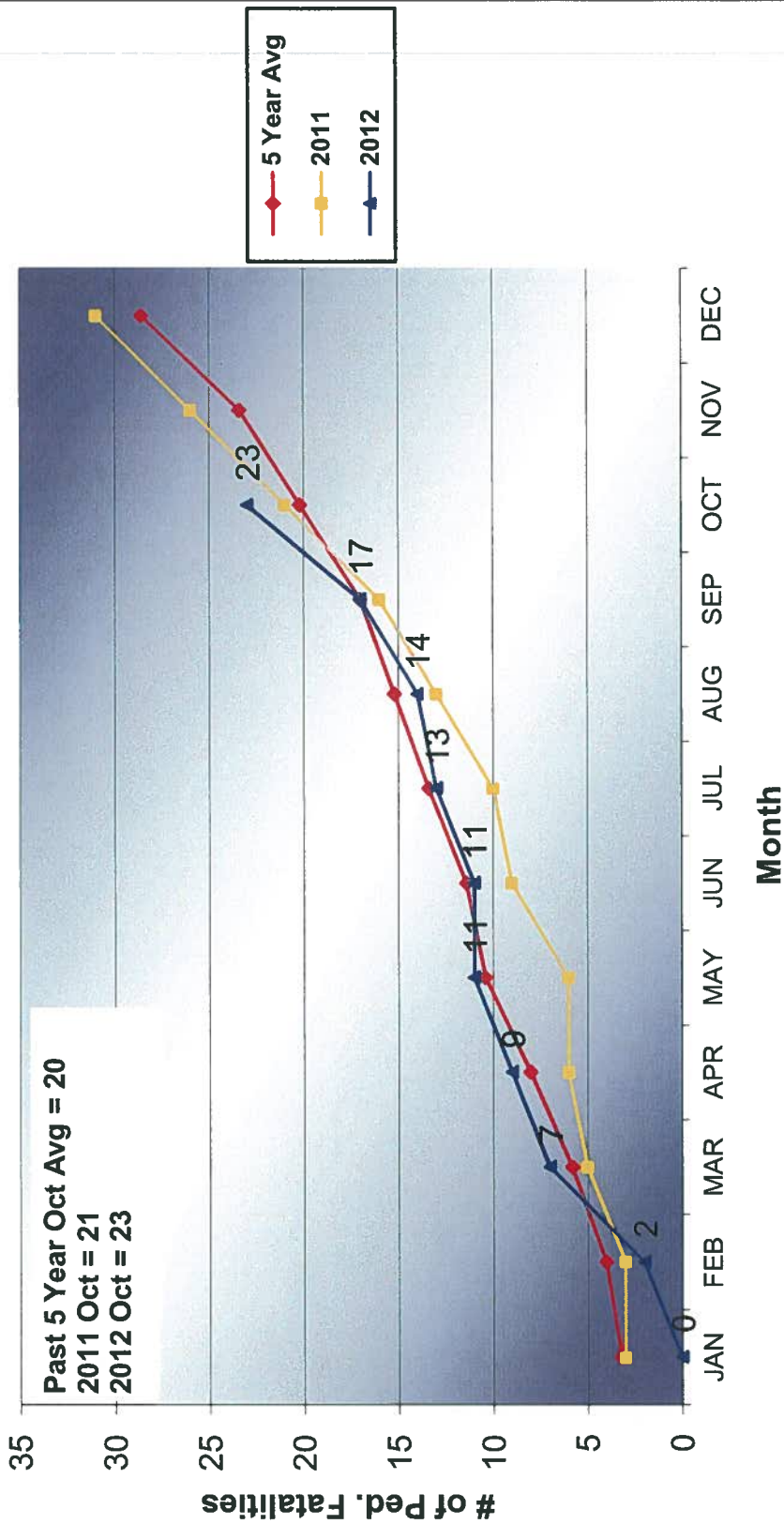
Cumulative Fatal Crashes



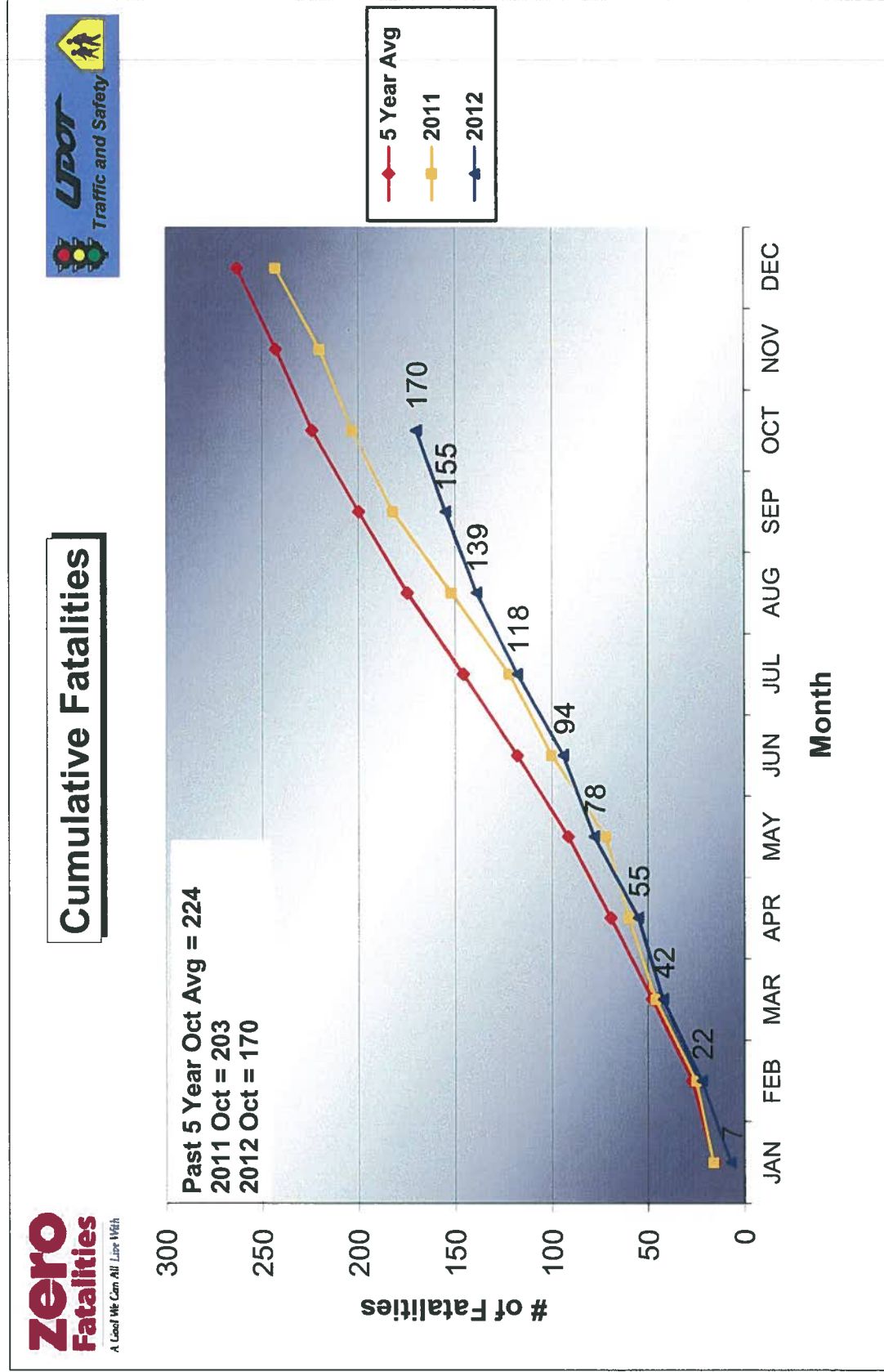
As of 11/5/2012. Data presented are preliminary and subject to change.



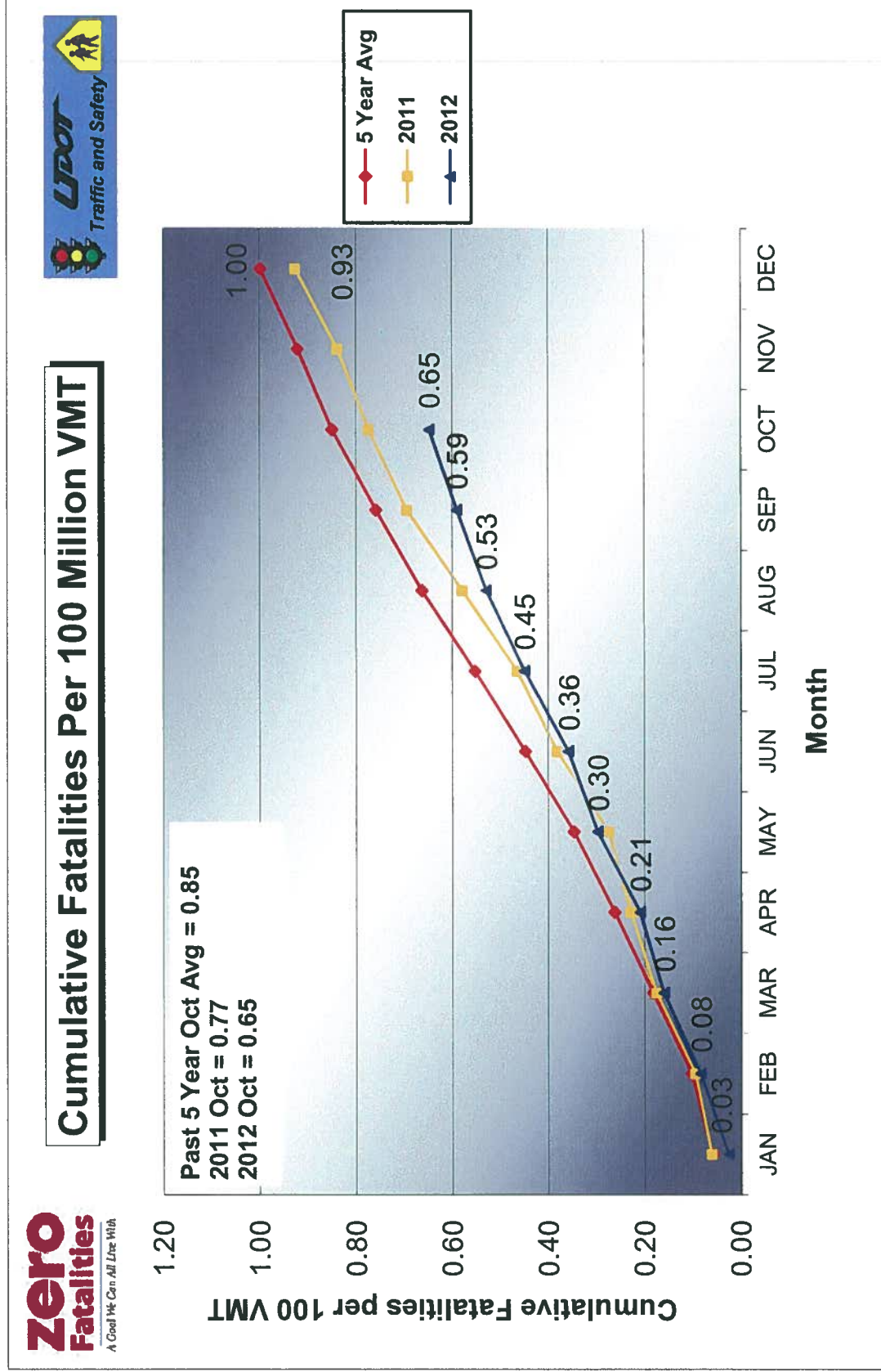
Cumulative Pedestrian Fatalities



As of 11/5/2012. Data presented are preliminary and subject to change.



As of 11/5/2012. Data presented are preliminary and subject to change.



As of 11/5/2012. Data presented are preliminary and subject to change.



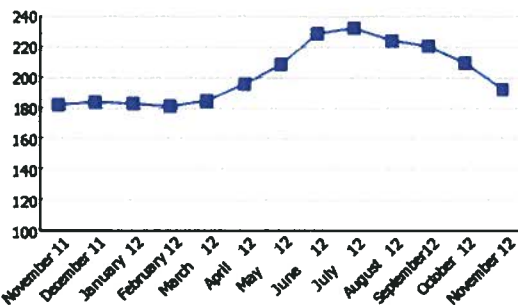
Utah Department of Transportation - Construction Division

November 1, 2012



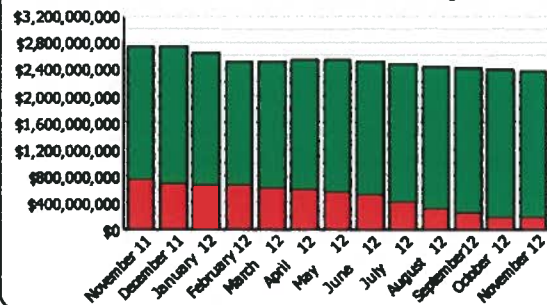
Current Projects Summary:

Projects Under Construction Trend



Number of Projects Currently Under Construction: 189
 Total Original Contract Amount of Current Projects: \$2,134,291,865
 Total Change Orders of Current Projects: \$54,830,309
 Total Authorized Amount for Current Projects: \$2,189,122,173

Total Amount of Current Contracts by Month



(Includes Original Contract Amount plus Change Orders)

Green: Shows Total Amount Paid on Current Contracts

Red: Shows Balance Remaining on Current Contracts

Total Amount Paid on Current Projects:

\$2,005,014,741

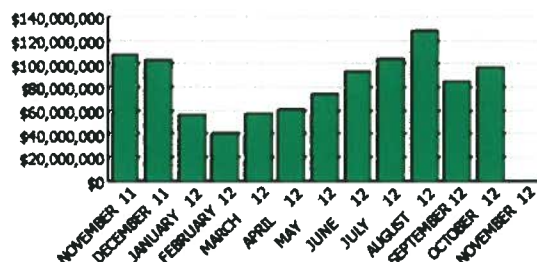
Balance Left on Current Projects:

\$184,107,432

Total Authorized Amount for Current Projects:

\$2,189,122,173

Contractor Payments by Month



Pct Time Elapsed vs Pct Project Complete:



Color Rating Distribution for All Current Projects Statewide

83% of Current Projects are on Schedule (Green or Yellow)

Current Projects on Schedule:

156

Projects Given "Green" Status:

135

71%

Projects Given "Yellow" Status:

21

11%

Projects Given "Red" Status:

33

17%

Monthly Contractor Payments for Last Calendar Month

OCTOBER 2012

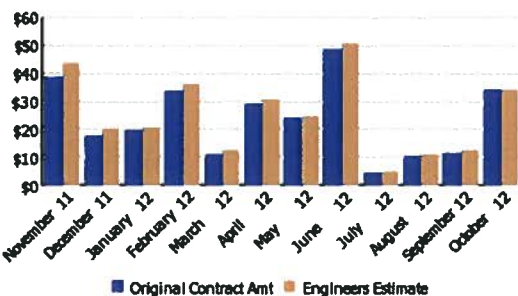
\$97,222,083

Green: Percent Time Elapsed does not exceed Percent Project Complete by More Than 15%

Yellow: Percent Time Elapsed exceeds Percent Project Complete by More Than 15%, Less Than 30%

Red: Percent Time Elapsed exceeds Percent Project Complete by More Than 30%

Contract Award vs. Engineer's Estimate



Most Recent 30 Projects:

Awarded Bids Under Total Engineer's Estimates by:

\$937,564

Per Cent of Total Engineer's Estimates

1.89%



PROJECT DEVELOPMENT

UDOT - Projects Advertised Oct 5, 2012 through Nov 1, 2012



Projects Advertised	
Advertised on or Before Committed Advertising Date	
Advertised After the Committed Advertising Date	
Advertised Outside Committed Fiscal Year	
Project Funding	
Cost Estimate Less than or equal to Project Value	
Cost Estimate Greater than Project Value	

Region	Project Manager	PIN	Project Location	Project Value	Total Cost Estimate	Committed Advertising Date	Actual Advertising Date	Project Delivery Method
1	BRETT SLATER	9937	Other: REGIONWIDE	\$1,330,000	\$1,330,000	Sep 8, 2012	Oct 20, 2012	Design, Bid, Build
1	DARYL BALLANTYNE	11065	SR-67; MP .24 - .48	\$750,000	\$454,928	Mar 16, 2013	Oct 27, 2012	Design, Bid, Build
1	ROD TERRY	11149	SR-252; MP 2.00 - 6.76	\$10,152,282	\$10,040,177	Oct 20, 2012	Oct 15, 2012	CMGC
2	LISA ZUNDEL	9687	SR-89; MP 378.55 - 379.88	\$1,105,000	\$1,103,800	Nov 24, 2012	Oct 20, 2012	Design, Bid, Build
2	LISA ZUNDEL	10469	SR-154; MP 11.39 to MP 12.88	\$2,700,000	\$895,000	Nov 24, 2012	Oct 20, 2012	Design, Bid, Build
2	AARON UDOT WALL	10560	SR-111; MP 3.50 to MP 5.50	\$750,000	\$500,000	Sep 26, 2012	Oct 20, 2012	Design, Bid, Build
2	JOHN HIGGINS	11076	Sugar House Park	\$500,000	\$500,000	Dec 15, 2012	Oct 20, 2012	Design, Bid, Build
3	JUSTIN SCHELLENBERG	9260	2300 West between 1900 South and I-15 West Frontage Rd. Lehi	\$8,104,666	\$8,096,840	Mar 16, 2013	Oct 27, 2012	Design, Bid, Build
3	JIM GOLDEN	10074	SR-6; MP 149.90 - 160.50 & SR-6; MP 184.08 - 189.34	\$2,080,000	\$1,596,900	Apr 30, 2013	Oct 27, 2012	Design, Bid, Build
3	BRIAN PHILLIPS	10902	SR-121; MP 34.43 - 40.29	\$580,000	\$564,470	Feb 16, 2013	Oct 20, 2012	Design, Bid, Build
3	BRIAN PHILLIPS	10904	SR-40; MP 86.80 - 97.70	\$860,000	\$826,225	Mar 16, 2013	Oct 20, 2012	Design, Bid, Build
3	BRIAN PHILLIPS	10932	SR-40; MP 8.81-8.85	\$1,365,378	\$1,357,824	Oct 31, 2012	Oct 13, 2012	Design, Bid, Build
4	NANCY JEROME	8516	SR-89; MP 62.91 - 64.95 & SR-89A; MP .00 - 2.95	\$8,655,000	\$8,655,000	Nov 10, 2012	Oct 27, 2012	Design, Bid, Build
4	CLAYTON WILSON	9124	US-6: MP 256	\$1,248,658	\$1,092,900	Sep 29, 2012	Oct 27, 2012	Design, Bid, Build
Total Projects Advertised This Period: 14				\$40,180,983	\$37,014,064			
Federal Fiscal Year to Date Total (3,881 total projects)				\$18,916,005,272	\$17,015,944,168			
Procurement Projects Under \$200K This Period: 0								
Total Procurement Projects Under \$200K: 2,848				\$96,754,105				

**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: November 9, 2012

Agenda Item #: 5

Agenda Item Title: Bridge Program Updates

Presented by: Carmen Swanwick

Background:

The Structures Division will present an update on the following Bridge Programs:

1. Bridge Load Rating Program – goal to complete all bridge load ratings by 2016
2. Bridge Inspection Program – goal to develop a comprehensive inspection program and obtain resources to meet inspection obligations
3. Bridge Unknown Foundation Program – goal to address bridges with unknown foundations (mitigate risk from bridge inventory)
4. Bridge Scour Program – goal to complete bridge projects with scour critical hazards

Exhibits/Handouts: Bridge Program Summary Documents

Audio/Visual:

Commission Action Requested:

☒ **X** For Information/Review Only
☐ For Commission Approval

Motion Needed for Approval:

Fact sheet prepared by: Carmen Swanwick

Date submitted: 11/1/12

Fact sheet reviewed by senior leader:

BRIDGE LOAD RATING (LR) PROGRAM GOAL

To develop a Bridge Load Rating Program and allocate funding to complete all Bridge Load Ratings within four years. All bridges require a Load Rating per 23 CFR Section 650.

BENEFITS

Ensure safety of the traveling public

Provide accurate data to support and allocate funds toward a system wide bridge preservation, rehabilitation, and replacement program

Allow for a programmatic permit truck routing system

To more effectively evaluate the trucking industry requests for allowance of higher truck loads (permits)

FUNDING (4 YEAR PROGRAM)

Allocated Funding - \$ 11 Million (\$ 2.75 Million per year)
Completion Timeline - 2016

ACCOMPLISHMENTS

Acquired consultant program manager services

Obtained consultant bridge load rating design services (four consultant firms)

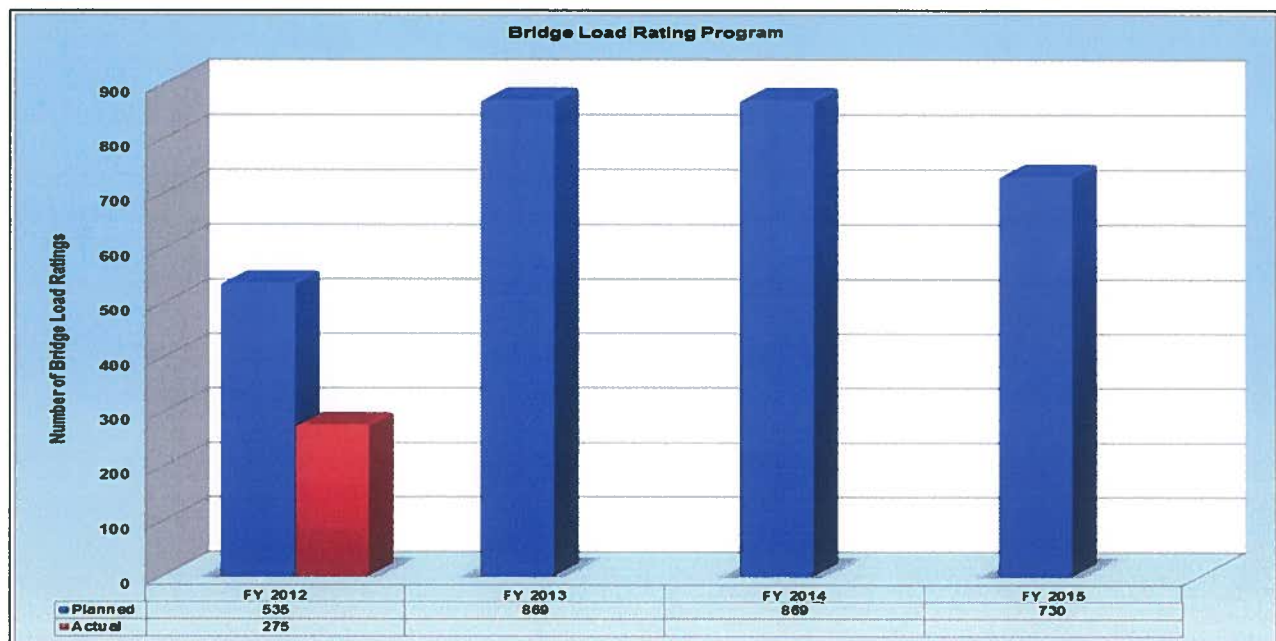
Developed a plan to complete the entire inventory of bridge load ratings in four years

Created a bridge load rating policy and analysis procedures

Completed 275 bridge load ratings (7 months production)

PERFORMANCE MANAGEMENT

Track completed load ratings and compare to the planned schedule.



BRIDGE INSPECTION PROGRAM GOAL

To develop a comprehensive Inspection Program and allocate funding to meet the requirements of 23 CFR Section 650. Current resources and funding are inadequate to meet Federal inventory inspection obligations.

BENEFITS

Ensure safety of the traveling public

Provide accurate data to support and allocate funds toward a system wide bridge preservation, rehabilitation, and replacement program

To consistently and responsibly monitor, investigate, and take action to provide a safe state-wide bridge system

FUNDING (5 YEAR PROGRAM)

Allocated Funding - \$ 6 Million (\$ 1.2 Million per year)
 Potential Timeline - Re-evaluate 2016

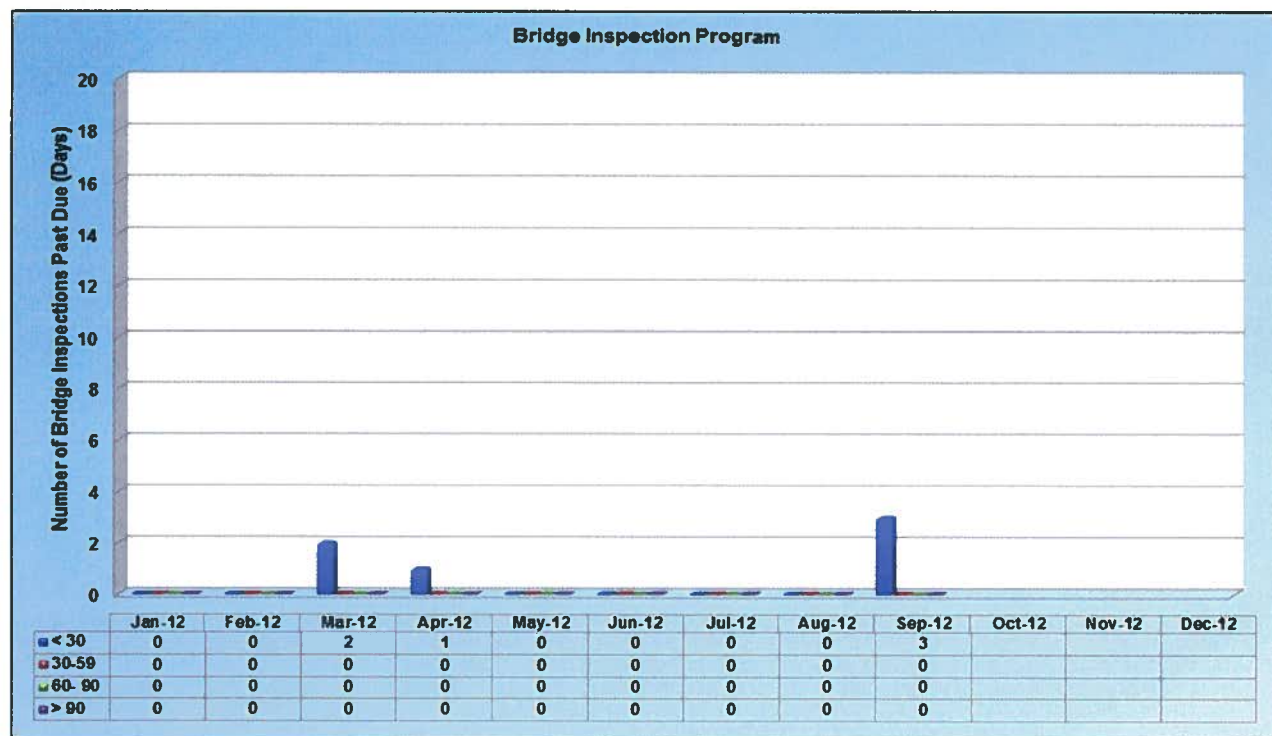
ACCOMPLISHMENTS

Obtained consultant bridge inspection services (three consultant firms)

Developed a plan to effectively manage bridge inspections to meet Federal obligations

PERFORMANCE MANAGEMENT

Track number of bridge inspections past due.



BRIDGE UNKNOWN FOUNDATION PROGRAM GOAL

To develop a Bridge Unknown Foundation Program and allocate funding to address bridges with unknown foundations as required by the Federal Highway Administration Memorandum for Technical Guidance for Bridges over Waterways with Unknown Foundations dated January 9, 2008 which states November 2010 as the target date for eliminating the number of bridges with unknown foundations from a state's inventory.

BENEFITS

To understand the current level of risk associated with the state inventory of bridges

To develop a mitigation plan for identified risks

ACCOMPLISHMENTS

Obtained consultant hydraulic design services (one firm) to evaluate and create Plan of Action reports for bridges with unknown foundations

Located 82 bridge plan sets

Completed the initial unknown foundation program phase 1 and started phase 2

FUNDING (1 YEAR PROGRAM)

Allocated Funding - \$ 586,500
Completion Timeline - April 2012

PERFORMANCE MANAGEMENT

The initial unknown foundation program (phase 1) was completed as planned and within the allocated budget.

	No. Bridges	No. Bridges Complete	No. Bridges Additional Analysis
Phase 1	455	419	36
Phase 2	36	17	19
Phase 3	19		

Based on the initial 455 bridges analyzed, 36 bridges required additional analysis to finalize Plan of Action reports. Of the 36 bridges needing additional analysis, 17 bridges are currently being evaluated by the hydraulic design firm and internal resources. Funding is required to complete the analysis for the remaining 19 bridges.

BRIDGE SCOUR PROGRAM GOAL

To develop a Bridge Scour Program and allocate funding for projects to address bridges that are scour critical.

BENEFITS

Allocate funds to projects to identify and remedy scour hazards to minimize the risk associated with bridge failures due to scour

To reduce future maintenance costs associated with scour

FUNDING REQUEST (2 YEAR PROGRAM)

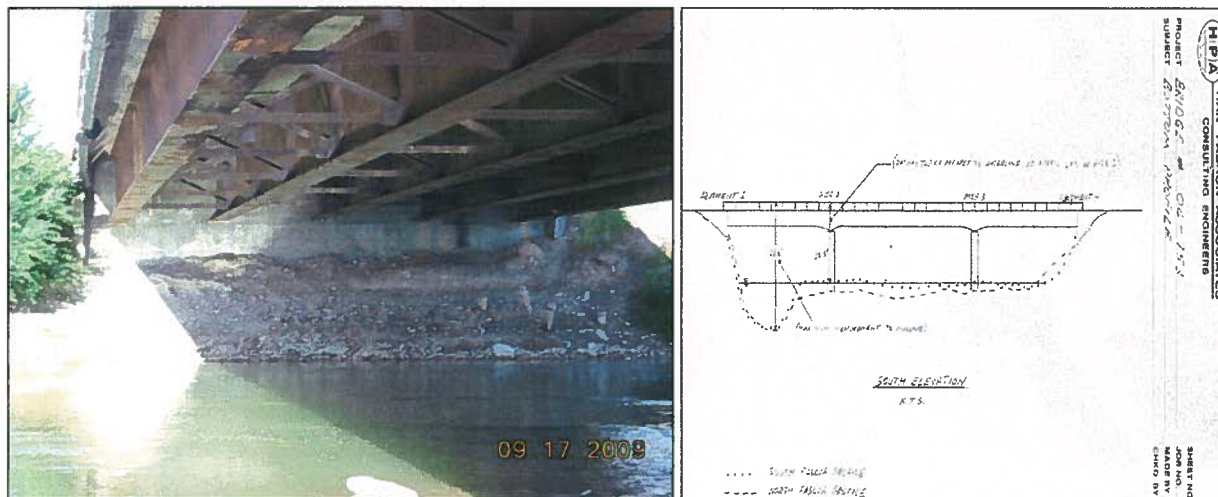
Allocated funding per year - \$ 750,000 per year (\$ 1.5 Million)
Potential Timeline - 2013

ACCOMPLISHMENTS

Completed four scour mitigation projects to minimize structural risk associated with scour.

	Initial Risk	Project	Budget
US-40 over the Green River (C-753)	High	Preliminary study, design and construction of west abutment riprap countermeasures	\$ 400,000
SR-279 Potash Plant Wash Culvert (V-2057)	High	Preliminary study, design and construction for four 8-foot diameter culvert replacement	\$ 650,000
Beaver River Bridge on SR-21 (D-659)	High	Preliminary scour study, design and construction of riprap countermeasures	\$ 200,000
I-15 over Virgin River (C-333 NB & C-374 SB)	High	Preliminary scour study, design and construction of riprap countermeasures; Analysis of the bridge bent due to constructed pedestrian/bicycle trail under bridge	\$ 420,000

US-40 over the Green River (C-753) – scour hole found during underwater bridge inspection



SR-279 Potash Plant Wash Culvert (V-2057) – degradation of metal pipe culverts and erosion of embankment



Beaver River Bridge on SR-21 (D-659) – scour around bridge span due to conveyance of waterway



I-15 over Virgin River (C-333 NB & C-374 SB) – scour around bridge bents; bent analysis due to trail



**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: November 9, 2012

Agenda Item #: 6A-1

Agenda Item Title: 2013 STIP Amendment #2
Statewide Unknown Foundations Program– Funding Adjustment

Presented by: Bill Lawrence

Background:

The Bridge Group's request is to transfer \$487,655.61 (ST_Bridge Funds) from available balance in the 2008 Bridge Preservation Program – Master PIN 5935, as well as transferring \$162,344.39 from the 2009 Preservation Program – Master PIN 5926, into the Unknown Foundations Program –Master PIN 9299.

The \$650K in funds will be used to fund the third and final phase of the Unknown Foundations Program for year 2013.

Exhibits/Handouts:

Audio/Visual:

Commission Action Requested:

☐ For Information/Review Only

☒ For Commission Approval

Motion Needed for Approval:

Approval to add Funding to the Statewide Unknown Foundation Program

Fact sheet prepared by: Robert Pelly

Fact sheet reviewed by senior leader: Bill Lawrence

Date submitted:

10-29-2012

**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: November 9, 2012

Agenda Item #: 6A-2

Agenda Item Title: 2013 STIP Amendment #2
4500 South & I-15 Landscaping Project – Remove from the STIP

Presented by: Bill Lawrence

Background:

This project was originally programmed for the 2013 year using anticipated enhancement funds.

MAP-21 changed the enhancement funds to Transportation Alternative Program funds (TAP). TAP funds cannot be used for landscaping and scenic enhancements as independent projects, and therefore this project no longer qualified for these funds.

Due to this change, as well as Region 2 wanting to switch funding from this project to the SR-40 Wildlife Crossing project, as a higher priority, the funding was moved to the Pedestrian/Bike/Wildlife Crossing under US-40 – PIN 10916.

Exhibits/Handouts: None

Audio/Visual:

Commission Action Requested:

☐ For Information/Review Only
☒ For Commission Approval

Motion Needed for Approval:

Request approval to remove the 4500 South & I-15 Landscaping Project – PIN 9942 from the STIP

Fact sheet prepared by: Robert Pelly
Fact sheet reviewed by senior leader: Bill Lawrence

Date submitted:
10-29-2012

**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: November 9, 2012

Agenda Item #: 6A-3

Agenda Item Title: 2013 STIP Amendment #2
SR-74; SR-92 to Alpine Roundabout – New Project

Presented by: Bill Lawrence

Background:

New Project Request: PIN 11008: SR-74; SR-92 to Alpine Roundabout.

This section of road was planned to be resurfaced with an orange book (pavement preservation) project. Upon further investigation, it was discovered that the pavement needed a more extensive rehabilitation. The Region would like to add this project to its purple book (pavement rehabilitation) program.

The Region would like to fund this by using funding from a combination of its efficiency PIN 8073 and balance in the purple book program PIN 8074.

Fund Type: STP_FLX_ST

Fund Amount: \$1,200,000

Exhibits/Handouts: SR-74; SR-92 to Alpine Roundabout Project Location Map

Audio/Visual:

Commission Action Requested:

☐ For Information/Review Only

☒ For Commission Approval

Motion Needed for Approval:

Approval to add the SR-74; SR-92 to Alpine Roundabout project to the STIP

Fact sheet prepared by: Robert Pelly

Fact sheet reviewed by senior leader: Bill Lawrence

Date submitted:

10-29-2012

Alpine

Timpanogos Hwy

© 2012 Google

74

**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: November 9, 2012

Agenda Item #: 6A-4

Agenda Item Title: 2013 STIP Amendment #2

I-15; S Payson Interchange to Spanish Fork River – Funding Adjustment

Presented by: Bill Lawrence

Background:

Region Three requests approval to add \$4.0 million of additional funding to the I-15; S Payson Interchange to Spanish Fork River project - PIN 10262.

There were a couple of items not anticipated in the original estimate for this project as outlined below:

- Full-Width - Mill and Overlay - Original pricing included only paving the widened portion. Pavement management indicated that a mill and overlay project is scheduled for 2014. This will allow it to be completed along with this project. \$3.6M for rotomilling and an SMA overlay.
- ATMS – Add/Continuation of I-15 CORE fiber - estimated at \$600K.

The Region would like to transfer \$4 million of Interstate Maintenance funding from PIN 8978: I-15; Bridge Rehabilitation between MP 279 to MP 282.5, to do this work. This funding is no longer needed since the work will be done with the future “Gap” project, now programmed.

Exhibits/Handouts: I-15; Payson to Spanish Fork Project Location Map

Audio/Visual:

Commission Action Requested:

☐ For Information/Review Only

☒ For Commission Approval

Motion Needed for Approval:

Approval to add funding to the I-15; S Payson Interchange to Spanish Fork River project

Fact sheet prepared by: Robert Pelly

Fact sheet reviewed by senior leader: Bill Lawrence

Date submitted:

10-29-2012



**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: November 9, 2012

Agenda Item #: 6B

Agenda Item Title: Aeronautics' Capital Improvement Program (CIP) – Amendment #1

Presented by: Bill Lawrence

Background:

Recent FAA re-authorization resulted in year end funds being available.

- This allowed the FAA to advance by one year, the Price-Carbon 18/36 Runway rehabilitation project. The project was initially approved by the Commission for \$4,111,111. This initial funding was insufficient to complete the entire project. The additional \$2,981,478 in funding will allow for the full project. Project total will be \$7,092,589.
- Entitlement funds Cedar City carried over (\$97,823), to be added to this year's grant. The Commission approved amount for their snow removal equipment building was \$333,333. The new total is \$431,156.

Salt Lake City was able to secure funds in FY-2013 for two additional projects. The two new projects are:

- Rehabilitation of the center runway at Salt Lake International Airport. (\$10M)
- Sustainability Management Plan in anticipation of the terminal re-development project at the Salt Lake International Airport. (\$500k)

Exhibits/Handouts: FY-2013 CIP Amendment #2

Audio/Visual:

Commission Action Requested:

☐ For Information/Review Only

☒ For Commission Approval

Motion Needed for Approval:

Approval to add funding to the Price-Carbon and Cedar Airport Improvement projects as detailed, and approval to add the two additional Salt Lake International Airport Projects to the Aeronautics' Capital Improvement Program.

Fact sheet prepared by: Matt Swapp

Fact sheet reviewed by senior leader: Bill Lawrence

Date submitted:

10/29/2012

FY 2012 CIP AMENDMENT #1 Revised/New Projects							
Airport	Description	Funding Source	Federal	State	Sponsor	Total	Remarks
Revised							
Price-Carbon	Rehabilitate Runway 18/36	Federal AIP	\$6,450,000	\$321,294	\$321,295	\$7,092,589	Originally Commission approved amount \$4,111,111
Cedar City	Construction of Snow Removal Equipment Building	Federal AIP	\$392,093	\$19,531	\$19,532	\$431,156	Originally Commission approved amount \$333,333
New							
Salt Lake City Int.	Rehabilitate Runway 16L/34R	Federal AIP	\$10,000,000		\$2,000,000	\$12,000,000	Asphalt Overlay
Salt Lake City Int.	Sustainable Management Plan	Federal AIP	\$500,000		\$49,813	\$549,813	

**Utah Transportation Commission Meeting
Agenda Item Fact Sheet**

Commission Meeting Date: November 9, 2012

Agenda Item #: 7

Agenda Item Title: R920-4 Special Road Use or Event

Presented by: Lyle McMillan

Background:

The principal intent of this rule is to ensure public safety is adequately maintained in relation to any special events taking place within any highway under the jurisdiction of the Department. This rule explicitly prescribes the process the state uses to ensure vehicular, bicycle, and pedestrian traffic conflict points are minimized. It also ensures that special events create the least amount of disruption to the traveling public while setting forth minimum liability protections for all involved parties. This rule is designed to enable special events through a responsible and controlled permitting process.

Key Points:

1. The last substantive rule update was more than 25 years ago, rendering much of the existing rule language obsolete.
2. The changes being proposed here are geared towards improving educational outreach, permitting awareness, and program transparency.
3. The proposed amendments do not create a change from existing permitting practices. The amendments simply clarify the current special event-related permitting processes.

Exhibits/Handouts: 1) Revised Rule, 2) Administrative Rule Amendment Analysis

Audio/Visual:

Commission Action Requested:

☒ For Information/Review Only
☐ For Commission Approval

Motion Needed for Approval:

Fact sheet prepared by: Rod McDaniels

Fact sheet reviewed by senior leader: Lyle McMillan

Date submitted: 10/15/12

R920. Transportation, Operations, Traffic and Safety.

~~[R920-4. Permit Required for Special Road Use or Event.~~

~~R920-4-1. Special Road Use.~~

~~UDOT shall promote safe utilization of highways for parades, marathons, and bicycle races. Special Road Use permits shall be required for any use of state routes other than normal traffic movement. Permits may be obtained by fulfilling requirements of DOT form "Special Road Use Permit". Policy applies to all routes under jurisdiction of DOT. Permittee shall hold DOT harmless in event of litigation. A traffic control plan, in accordance with latest edition of the Manual on Uniform Traffic Control Devices and Barricading and Construction Standard Drawings, shall be provided to, and approved by Dept. District Traffic Engineer or Permittee shall restore the particular road segment to its original condition, free from litter, etc. All applications for permits shall be made a minimum of 15 days prior to the specified activity.]~~

R920-4. Special Road Use or Event.

R920-4-1. Purpose and Authority.

The purposes of this rule are to ensure public safety and minimize disruption to the traveling public when state controlled rights of way are used for parades, marathons, film related activities, and bicycle races, and to enable special events through a responsible and controlled permitting process. This rule is authorized by Sections 72-1-201 and 41-6a-1111. This rule applies to all highways under the jurisdiction of the Utah Department of Transportation ("Department").

R920-4-2. Permit Required for Special Road Use or Event.

Special Road Use permits shall be required for any use of state highways other than normal traffic movement. A special road use or event shall not occupy the roadway until a permit is issued. Permits may be obtained by completing Department application requirements as specified on Department forms.

R920-4-3. Application Completion Requirements for Special Road Use or Event.

"Application for a Special Event Permit," or "Application for a Permit to Film on State Roads" shall be completed by the applicant seeking a Special Road Use or Event Permit. All applications for permits shall be made a minimum of 15 days prior to the specified activity.

R920-4-4. Special Event Double Booking Conflict Resolution.

Special event permits may not be accepted more than a year in advance of the actual event date. All special event permits are time and date stamped. In cases where a double booking type conflict might surface, the Department will encourage any secondary, or subsequent, applicant to review the feasibility of collocating with the original applicant. If collocating proves impracticable, the Department will encourage any secondary, or subsequent, applicant to offer a viable alternative strategy that meets the needs of all applicants, while also ensuring adequate public safety measures remain intact. The Department may also rely on local agency assistance with establishing special event permitting priorities. In all cases, the Department has the authority to exercise the discretion in giving priority consideration to an applicant based on an evaluation of historic use, potential economic benefit, and other relevant factors. In

cases where none of the aforementioned conflict resolution strategies prove effective in remedying a continuing dispute between multiple applicants, the Department reserves the right to determine which special event permit will be issued based on the earliest recorded application time and date where the Department has determined the applicant has fully completed all application requirements.

R920-4-5. Minimum Liability Coverage, Waiver and Release of Damages Form, and Indemnification Form Completion Requirements.

The applicant shall obtain and provide proof of liability insurance at time of application naming the "State of Utah, the Department and its employees" as additional insured under the certificate, with a minimum \$1,000,000 coverage per occurrence and \$2,000,000 in aggregate. The applicant shall complete the appropriate "Waiver and Release of Damages" and "Indemnification" forms prior to permit issuance. All event participants shall also complete the "Waiver and Release of Damages" form prior to participating in the permitted event.

R920-4-6. Waiver and Release of Damages Exception.

Participants in a free speech event on state rights of way are not required to sign or submit the "Waiver and Release of Damages" form described in R920-4-5, however the applicant of a free speech event is still required to complete the "Indemnification" form prior to permit issuance.

R920-4-7. Applicant Record Retention Requirements.

Where multiple participants are involved in the special road use or event, the applicant is responsible for ensuring each event participant completes the appropriate "Waiver and Release of Damages" and "Indemnification" form prior to participating in the event. The originating applicant is the custodian of all signed participant waivers, as specified in R920-4-4, and shall produce these upon demand for inspection and review by the Department at any time within 12 months after the completion of the event. The Department may also require the originating applicant to sign the original forms, as specified in R920-4, prior to permit issuance.

R920-4-8. Traffic Control Requirements and Considerations.

All traffic control is the responsibility of the applicant. A traffic control plan, in accordance with R920-1, R930-6 and Barricading and Construction Standard Drawings, shall be provided to, and approved by the District Traffic Engineer, or other authorized Department designee. The applicant shall restore the particular road segment to its original condition, free from litter, etc. An alternate route may be required when traffic volumes are high, active road construction is present, an alternate event is already occupying the road, a safer route can accommodate the event, or the event poses a significant inconvenience to the traveling public. Road closures will require traffic control by Uniformed Peace Officers. The Department may require local police, the sheriff's department, the highway patrol, or the Department's Incident Management Team to inspect and monitor traffic control. All railroad crossings and bridges shall be given special attention. The applicant shall coordinate with the appropriate railroad representatives to ensure the event schedule does not conflict with the operation of the railroad.

R920-4-9. Public Notification Requirements.

As determined by the Region Permit Officer, the applicant shall distribute a news release to all local radio stations, television stations, and newspapers that announce the event and advise residents of alternate routes and potential delays. The news release shall include the date, times, affected roads, and shall also include an estimate of the anticipated length of delay.

R920-4-10. Contingency Plan and Participant Notification Requirements.

The applicant is required to develop plans for, and notify, each event participant on the following contingencies; emergency plans in the event of an accident or injury, closest hospitals, how to obtain emergency assistance, etc., locations of rest areas, locations of water facilities, trash cleanup plans, and that all participants are required to obey all traffic laws, lights, and signs.

R920-4-11. Event Route Identification and Private Property Use Requirements.

The applicant shall provide a detailed map showing the proposed course and direction of the event. Locations of parking areas, water stations, toilet facilities, and other appropriate information shall also be included on the map. These areas cannot be located within the state right-of-way. The applicant is responsible for obtaining appropriate permission to locate these facilities on private property.

R920-4-12. Adherence to Municipal, County, or other Governmental Agency Permitting Requirements.

The applicant is responsible for obtaining any applicable city, county, or other governmental agency permit. Demonstration of compliance with R920-4-12 may be required prior to the Department issuing any special road use or event permit.

KEY: parades, bicycle, races, films

Date of Enactment or Last Substantive Amendment: 1987

Notice of Continuation: August 10, 2007

Authorizing, and Implemented or Interpreted Law: 41-6a-11[4]11; 41-22-15; [~~41-6-87.9~~]72-1-201.

Administrative Rule Amendment Analysis

Purpose of the rule or reason for the change:

The principal intent of this rule is to ensure public safety is adequately maintained in relation to any special events taking place within any highway under the jurisdiction of the Department. This rule explicitly prescribes the process the state uses to ensure vehicular, bicycle, and pedestrian traffic conflict points are minimized. It also ensures that special events create the least amount of disruption to the traveling public while setting forth minimum liability protections for all involved parties.

In effect, this rule is designed to enable special events through a responsible and controlled permitting process. The last substantive rule update was more than 25 years ago, rendering much of the existing language obsolete. In the final analysis, the thrust of the changes being proposed here are geared towards improving public education, permitting awareness, and program transparency.

Summary of the rule or change:

1. Adds a purpose and authority section
2. Updates form names to reflect current form naming conventions
3. Adds a “film-related events” reference
4. Removes “DOT” reference and replaces with “the Department”
5. Adds additional process transparency (Waiver & Release of Damages and Indemnification form completion requirements)
6. Provides for conflict resolution process where double booking problems might surface
7. Expands on record retention responsibilities for Waiver & Release of Damages and Indemnification forms.
8. Explicitly notes the minimum required liability coverage’s
9. Adds applicable references to R920-1 and R930-6
10. Updates obsolete statutory references
11. Expands on traffic control requirements
12. Advises on public notification requirements
13. Advises on contingency plan development and participant notification requirements
14. Explains event route identification and private property use requirements
15. Includes provision to ensure applicable municipal, county, or other governmental agency permits are acquired

Aggregate anticipated cost or savings to:

A) State budget:

No anticipated cost or savings relative to current permitting practices or requirements.

B) Local government:

No anticipated cost or savings relative to current permitting practices or requirements.

C) Small businesses (less than 50 employees):

No anticipated cost or savings relative to current permitting practices or requirements

D) Persons other than small businesses, businesses, or local government entities:

No anticipated cost or savings relative to current permitting practices or requirements.

Compliance costs for affected persons:

No anticipated cost or savings relative to current permitting practices or requirements.

Suggested comments by the department head on the fiscal impact the rule may have on businesses:

The Special Event Permits fee, as listed within the 2012 enrolled copy of the Supplemental Appropriations Act (see line 2343 on p.64) is \$30. Due to the significant life-safety hazards inherent with allowing pedestrians, or bicycles, in close proximity to moving vehicular traffic, the rest of the costs associated with obtaining a special event permit are directly related to preventative traffic control measures and liability insurance coverage.

This amendment seeks to explicitly disclose the Department's existing practice of requiring minimum liability insurance coverage of \$1,000,000 per occurrence and \$2,000,000 in aggregate (per permitted event). Insurance rates may vary widely based on a number of factors including, but not limited to market conditions, size, scale, scope, location, dates, duration, number of anticipated participants, credit rating, etc. These are considered external cost factors, which the Department does not have direct control over, and, therefore must be deliberated by the applicant prior to applying for a special event permit. These external costs must be borne by the applicant; otherwise the Department would be effectively subsidizing special events, which is not within the program mandate, or a part of the Department's strategic performance measures.

Although difficult to universally quantify, the specified minimum liability insurance coverage requirements tend to average around \$300 to \$500 for an averaged sized special event. For larger events, typical liability coverage insurance averages less than \$1 per participant.

Additional information required by Governor's Executive Order Dated Dec. 6, 2011

Does the proposed rule or amendment have non-fiscal impacts or burdens directly or indirectly on the:

A) State budget?

No anticipated cost or savings relative to current permitting practices or requirements.

B) Local governments?

No anticipated cost or savings relative to current permitting practices or requirements.

C) Small businesses?

No anticipated cost or savings relative to current permitting practices or requirements.

D) Persons other than small businesses, businesses, or local governmental entities?

No anticipated cost or savings relative to current permitting practices or requirements.

If there is a negative impact on small business, is it possible to:

A) establish less stringent compliance or reporting requirements?

No.

B) establish less stringent schedules or deadlines?

No.

(C) consolidate or simplify reporting or compliance requirements?

No.

(D) establish performance standards rather than design or operational standards?

No.

(E) exempt from all or any part of the requirements?

No.

Please include an explanation above when describing whether or not there are cost or savings and fiscal or non-fiscal impacts, i.e. "no costs or savings to state budget because"